

REMARKS

Applicant sincerely thanks Examiner Kishore for the telephonic Interview with Applicant's counsel, Salima A. Merani on March 1, 2003. The Examiner has indicated that he would provide a Summary of the Interview in the next communication from the PTO. Accordingly, Applicant is not providing a separate Summary of the Interview. Applicant has canceled 31-36 and 40 without prejudice. Applicant expressly reserves the right to pursue Claims 31-36 and 40, and any claims previously canceled, in one or more continuing or related applications.

Amendments to Claim 26

Solely in order to expedite patent issuance, Applicant has amended Claim 26 to include only subject matter that has been indicated as allowable (*i.e.*, for which Applicant has actually and physically demonstrated to be lipophilic (as disclosed in Applicant's originally-filed specification and declaration filed December 18, 2003). Several or all of the compounds listed in Claim 26 are lipophilic and these compounds, and equivalents thereto, are encompassed within the scope of, *inter alia*, Claim 24. Applicant reserves the right to, and intends to, prosecute the subject matter of originally filed Claim 26 in one or more continuing applications.

Patent Application Number 09/562,297

In an Office Action dated January 9, 2003, the Examiner rejected only Claims 1-12 and 37-38 for provisional double-patenting with respect to Patent Application No. 09/562,297. In an Amendment dated July 9, 2003, Applicant canceled Claims 1-12 (without prejudice) and amended Claims 37-38 to depend from an alternate base claim. Applicant's counsel confirmed with the Examiner that these amendments would obviate the double-patenting issue during an Interview on March 18, 2003. Accordingly, the Examiner removed the rejection from subsequent Office Actions. Thus, no obviousness-type double patenting issue remains and no terminal disclaimer is needed over Patent Application No. 09/562,297.

Patent Application Serial Number 10/132,665

Applicant hereby files a terminal disclaimer, attached herewith, with respect to Patent Application Serial Number 10/132,665.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that the present application is fully in condition for allowance. If any issues remain that may be addressed by a phone conversation, the Examiner is invited to contact the undersigned at the phone number indicated below.

Appropriate fees have been submitted herewith. No further fees are believed to be due. However, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

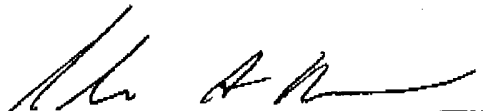
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

March 3, 2004

By:



Salima A. Merani, Ph.D.
Recognized under 37 CFR § 10.9(b)
Customer No. 20,995
2040 Main Street
14th Floor
Irvine, CA 92614
(949) 760-0404

H:\DOCS\SAMSAM-4222.DOC
030304

Don W. Martens*
James B. Bear
Darrell L. Olson*
William B. Bunker
William H. Nleman
Arthur S. Rose
James F. Leaniak
Ned A. Israelsen
Drew S. Hamilton
Jerry T. Sewell
John B. Spang, Jr.
Edward A. Schlatter
Gerard von Hoffmann
Joseph R. Re
Catherine J. Holland
John M. Carlson
Keren Vogel Weil
Andrew M. Simpson
Jeffrey L. Van Hooser
Daniel E. Allman
Stephen C. Jensen
Vito A. Canuso III
William H. Shreve
Lynda J. Zadra-Symast
Steven J. Natusky
Paul A. Stewart
Joseph F. Jennings
Craig S. Summers
AnneMarie Kaiser
Brandon R. Babcock
Thomas F. Smegal, Jr.
Michael H. Trenholm
Diane M. Reed
Ronald J. Schoenbaum
John R. King
Frederick S. Beretta
Nancy W. Vaneke
John P. Glezenanner
Adeel S. Akhtar
Thomas R. Arno
David N. Weise
Daniel Hart, Ph.D.
Douglas G. Muehlhauser
Lori Lee Yamato
Michael K. Friedland
Dale C. Hunt, Ph.D.
Richard E. Campbell
Stacey R. Halpern
Lee W. Henderson, Ph.D.
Mark M. Abumeri
Jon W. Gurka
John W. Holcomb

Joseph M. Reisman, Ph.D.
Michael L. Fuller
Eric M. Nelson
Mark R. Benedict, Ph.D.
Paul N. Conover
Robert J. Roby
Sabing H. Lee
Karoline A. Delaney
Joseph S. Cianfrani
William R. Zimmerman
Paul C. Stelhardt
Eric S. Furman, Ph.D.
Susan M. Nalland
James W. Hill, M.D.
Deborah S. Shepherd
Glen L. Nuttall
Tirzah Abe Lowe
Sanjivpal S. Gill
Rose M. Thiesse, Ph.D.
Michael A. Gullana
Mark J. Kertz
Rabinder N. Narula
Bruce S. Itzhakowitz, Ph.D.
Michael S. Okamoto
John M. Grover
Mallory K. De Mentler
Irfan A. Lalaei
Amy C. Christensen
Sharon S. Ng
Mark J. Gallagher, Ph.D.
David G. Jankowski, Ph.D.
Brian C. Horne
Payson J. LeMallieur
Shella N. Swaroop
Ben A. Katzenellenbogen
Linda H. Liu
Andrew N. Merickel, Ph.D.
David L. Hauser
James F. Herkenhoff
Scott Loree Murray
Andrew M. Douglas
Mara T. Morley
Salma A. Merani, Ph.D.
Sam K. Tahmassebi, Ph.D.
Christy G. Lee
Jonathan A. Hyman
Curtis C. Dozier
Joseph J. Mallon, Ph.D.
Thomas P. Krzeminski
Sean M. Murray
Eleanor Niu
Valerie L. Bracken

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
kmoob.com

CONFIRMATION COPY WILL FOLLOW VIA:

- ☐ MAIL
☐ INTERNATIONAL AIRMAIL
☐ COURIER
☐ E-MAIL
☒ WILL NOT FOLLOW
☐ HAND DELIVERY
☐ WITH ENCLOSURES
☐ WITHOUT ENCLOSURES

J. David Evered††
Jeremy P. Sanders
Perry D. Oldham
Jerry L. Heifer, Ph.D.
Russell M. Jelde
Abraham W. Chuang
Ryan N. Farr
Pui Tong Ho, Ph.D.
Erik T. Anderson
John L. Paik
Eric K. Marlon
Jesse A. Rothwell
Marc C. Baumgartner
Danielle Klausner
Kyla F. Schuster
Raphael A. Gutierrez
Damian K. Jackson
Nathan A. Engels
Gregory A. Hermanson
Zi Y. Wong
John N. Kandara
Matthew S. Bollinger
David K. Wiggins
Darryl H. Steenama, Ph.D.
Lauren Keller
Ted M. Cannon
Carol M. Pitzel
Jesus A. Villalta
Shella R. Gibson
Andrew I. Kimmel
Mikka Fukawa
Curtis R. Hulmire
Tina Chen
Brandon Gingrich, Ph.D.
Arman H. Naderahahi
Christopher L. Rose
Dan W. Anthony, Ph.D.
John G. Rokenbrode
Aaron D. Barker
Christina A. Fox
M. Todd Hales
Ell A. Lools, Ph.D.
Jennifer L. Enmon, Ph.D.
Shuaib A. Adigun
Ryan E. Metnick, Ph.D.
Brian C. Leubitz
Yanna S. Bouris
Philip M. Nelson
Karl L. Klassen
Jason T. Evans

Of Counsel
Louie J. Knobbe*
Jerry R. Sailer

Japanese Patent Atty
Katsuhiko Arai
Tomohisa Sugiyama

Korean Patent Atty
Mincheol Kim
Heungsoo Choi

Scientists & Engineers
(Non-Lawyers)

Reimond J. Selenjaka**
Khurram Rahman, Ph.D.
Jennifer Haynes, Ph.D.**
Tommy Y. Nagata
Cha S. Chareskin, Ph.D.**
James W. Ausley**
Jennifer Hayes**
Kirk E. Paulsen, Ph.D.**
Connie C. Tong, Ph.D.**
Suzanne Japson, Ph.D.**
Nira M. Brand**
Jeffrey A. Hopkins**
Tiffany C. Miller**
James W. Cheng, Ph.D.**
Marina L. Gorday, Ph.D.**
W. Frank Daugher
Lang J. McHardy**
Karen J. Lonker
Chris Westberg, Ph.D.
Eric B. Ives, Ph.D.**
Raymond D. Smith, Ph.D.

* A Professional Corporation
† Also Registered At Law Firm & Wren
** U.S. Patent Agent
†† Also Solicitor (Reg. & Wren)

Facsimile Transmittal Sheet

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Examiner G. Kishore
FIRM: United States Patent and Trademark Office
YOUR REF.: Serial No. 09/931,399
FACSIMILE NO.: (571) 273-0598
FROM: Salima A. Merani
DATE: March 3, 2004

OUR REF.: WESTU1.001A
Group Art Unit: 1615

OPERATOR: Ping-Ping Tang
NO. OF PAGES: 10 (incl. cover sheet)
TIME:

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY
OPERATOR PHONE NO.: (949) 760-0404
FACSIMILE NO.: (949) 760-9502

MESSAGE:

650 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-8530
Fax 619-235-0176

201 California Street
Suite 1150
San Francisco CA 94111
Tel 415-854-4114
Fax 415-854-4111

1800 Avenue of the Stars
Suite 1425
Los Angeles CA 90067
Tel 310-551-3450
Fax 310-551-3458

3403 Tenth Street
Suite 700
Riverside CA 92501
Tel 909-781-8231
Fax 909-781-4507

1114 Marsh Street
San Luis Obispo CA 93401
Tel 805-547-5580
Fax 805-547-5580